

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Barreca

Serial No.: 10/646,503

Filed: August 21, 2003

Atty. File No.: 3676-18-CON-3

For: "CHEWING GUM CONTAINING
CALCIUM"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313



) Group Art Unit: 1615

) Examiner: Susan Tran

) COMMENTS ON STATEMENT FOR
) REASONS FOR ALLOWANCE

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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ON 11/15/04

SHERIDAN ROSS P.C.

BY:

Sheridan Ross

Dear Sir:

Applicant appreciates the Examiner's Statement of Reasons for Allowance, but wishes to clarify and confirm that the patentability of all claims is dependent upon the novelty and non-obviousness of the claimed combination of listed ingredients as set forth in each individual independent and/or dependent claim. For example, independent Claim 22 is directed to a chewing gum that contains an active ingredient consisting essentially of

"calcium, chromium picolinate, and at least one additional component selected from the group consisting of a vitamin, a metabolic enhancer that increases a user's metabolism in order to achieve a higher caloric burn rate, a mineral supplement, guarana, ginseng, green tea, gota kola, golden seal, ginger, bee pollen, a medicinal component, nettles and lecithin, said active ingredient present in an amount of at least about .05 mg."

Applicant therefore wishes to clarify that the inventive aspects of particular claimed embodiments is not solely limited to the inclusion of calcium and chromium picolinate, but further may be imparted by the addition of one or more of the listed components as set forth in the claims.

The patentability of all other independent and dependent claims is assumed to be based upon the elements as set forth in such claims and that such claims meet all criteria for patentability under §101, §102, §103 and §112.

As is clear from MPEP 1302.14,

“The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth.”

Applicant's counsel requests the courtesy of a telephone call from the Examiner in the event she has any further questions or concerns regarding these comments. Otherwise, Applicant will consider that these comments are in accord with the Examiner's position on the Reasons for Allowance.

Respectfully submitted,

SHERIDAN ROSS P.C.

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